

**MINUTES  
PLANNING BOARD  
TOWNSHIP OF CHATHAM  
MAY 2, 2016**

Mr. Jack Hurring called the meeting of the Planning Board to order at 7:30 P.M.

**Adequate notice** of the meetings of the Planning Board of the Township of Chatham was given as required by the Open Public Meetings Act as follows: Notice in the form of a Resolution setting forth the schedule of meetings for the year 2016, and January, 2017 was published in the *Chatham Courier* and the *Morris County Daily Record*, a copy was filed with the Municipal Clerk and a copy was placed on the bulletin board in the main hallway of the Municipal Building.

**Roll Call**

Answering present to the roll call were Mr. Hurring, Mr. Brower, Mr. Sullivan, Mrs. Swartz and Mr. Nelson. Mr. Franko, Mr. Ciccarone, Ms. Hagner, Mr. Saluzzi and Mr. Travisano were absent. Mr. Murray arrived a few minutes late.

Also present was Amanda C. Wolfe, Esq, filling in for Board Attorney Steven Warner. Township Engineer John Ruschke and Township Planner Frank Banisch were also present.

**Approval of Minutes**

Mr. Brower moved to approve the minutes of the April 4, 2016 meeting. Mr. Nelson seconded the motion, and it carried unanimously.

**Hearing**

Plan: 15-6212-1 REO Development, LLC, 609 Fairmount Ave, Block: 62.12 Lot :1. Minor Subdivision.

Attorney Peter Rosen, representing the applicant, said that the revised plans have only one requested variance. He reintroduced Engineer Edward Dec to comment on the revisions. Mr. Dec said that the new plans have revisions based on comments from the Planning Board and from memos from Mr. Ruschke and Mr. Banisch. Mr. Dec said that the one variance requested is for proposed lot 1.01, and is for exceeding the 500 sq ft minimum area of disturbance, and he explained the need for the variance. There are also two design waivers requested for minimum usable lot area.

Mr. Dec also reviewed a memorandum from Mr. Ruschke and cited how the comments from Mr. Ruschke have been addressed. Mr. Rosen indicated that the applicant will stipulate to the conditions set forth in Mr. Ruschke's memorandum.

Mr. Banisch commented on how the proposed homes will affect the character of the neighborhood. Mr. Ruschke explained the definition of usable lot area.

Mr. Brower asked about how the proposed retaining walls would affect water flow. Mr. Ruschke said that the walls would not necessarily protect the adjacent properties. Mr. Brower also asked about the future cleaning of the proposed drywells. Mr. Dec said that the property owners would be responsible for future maintenance of the drywells. Mr. Ruschke said that the Township Committee could entertain having inspections for drywells, and would need to decide how the inspection costs would be funded.

Mr. Murray asked how the developer plans to prevent water from running from the proposed lots to Block 62.12 Lot 11. Mr. Dec said that water will mitigate through the retaining wall. He also said that the installation of a swale will redirect water away from Lot 11. Mr. Murray also asked about the rendering of what the proposed houses will look like. Mr. Dec displayed the rendering, and said how the property slopes.

Mr. Dec said that a swale could be installed behind the proposed retaining wall to direct water into a retention system, which would require disturbing an additional portion of the steep slope. He asked if Mr. Ruschke could be given enough discretion to oversee how much of the slope is disturbed. Mr. Ruschke said that the slope has to be disturbed anyway, and the swale would not involve much more disturbance. He suggested that the applicant not be allowed to disturb the slope more than ten feet beyond the retaining wall. Mr. Rosen indicated that the applicant agrees to such a stipulation.

Mr. Sullivan asked if it could be profitable for a builder to construct a modest craftsmen home on the proposed lots.

Ms. Wolfe asked about proofs for the positive and negative criteria for the C1 Variance, as well as proof for the design waivers. Mr. Dec said that there are not any negative criteria for the C1 Variance. Ms. Wolfe cited the standards for a C1 Variance, and indicated that the positive criteria is still required. Mr. Dec said that the reason for the design waiver stems from the steep slope areas and setbacks.

Mr. Hurring opened the floor to the public.

1. Dot Stillinger, chairperson of the Chatham Township Environmental Commission, asked about the source of water for the fish pond on the property. The builder, Andrij Andrutchuk, was sworn in to give testimony, and said that the fish pond appears to have been filled through a garden hose. He said that it has a plastic liner from a home improvement store, and he is unaware of it being spring fed. Mrs. Stillinger also asked if the landscaping plan for the lots involve keeping most of the vegetation. Mr. Dec said that most of the trees will remain.

There being no further public comment, Mr. Hurring closed the public hearing.

Mr. Rosen said that the current plan is much better than the original plan, and the applicant requests that the Board approve the application.

Ms. Wolfe noted that the applicant has agreed to the stipulations in the memos from the Board professionals, as well as the conditions set forth by Morris County. Mr. Rosen indicated that the applicant is willing to stipulate to have a fence along the proposed retaining wall.

Mr. Sullivan asked about the potential need for a site visit. Mrs. Swartz said that she is concerned about the potential for an underground water source. Mr. Ruschke described situations in which temporary springs can develop in utility trenches. He also said that the Board can require test pits to check for the potential for springs. The applicant agreed to the stipulation.

Mr. Brower moved to approve the application with the stipulated conditions. Mr. Nelson seconded the motion.

**Roll Call:** Mr. Franko, Absent; Mr. Hurring, Aye; Mrs. Swartz, Aye; Mr. Brower, Aye; Mr. Ciccarone, Absent; Ms. Hagner, Absent; Mr. Sullivan, Nay; Mr. Saluzzi, Absent; Mr. Travisano, Absent; Mr. Nelson, Aye.

Mr. Ruschke said that the Board may want to consider having Mr. Banisch look at areas where particular types of homes might not fit in a particular area.

Mr. LaConte reminded the Board of the deadline to file Financial Disclosure Statements.

Mr. Nelson moved to adjourn at 9:24 PM. Mr. Hurring seconded the motion, and it carried unanimously.

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Gregory J. LaConte  
Planning Board Recording Secretary